

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

November 3, 2003

- C043985 THE PEOPLE v. MICHL (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We concur: Scotland, P.J.
Nicholson, J.
- C041900 ROBERTS v. LOMANTO (Certified for Publication)**
The summary judgment is reversed. The matter is remanded to the trial court for further proceedings. Roberts shall receive his costs on appeal. (Cal. Rules of Court, rule 27(a).)
SIMS, Acting P.J.
We concur: Morrison, J.
Hull, J.
- C042513 E2 BROKERS v. MICKALICH (Not for Publication)**
The judgment (order modifying preliminary injunction) is affirmed.
Mickalich shall receive his costs on appeal.
SIMS, Acting P.J.
We concur: Morrison, J.
Hull, J.
- C040962 THE PEOPLE v. CALDWELL**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

November 4, 2003

- C041818 THE PEOPLE v. RABADEUX (Certified for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
Davis, J.
- C042645 THE PEOPLE v. SCHUCK (Not for Publication)**
The order to pay attorney fees is reversed and the matter is remanded for notice and hearing under Penal Code section 987.8, subdivision (b). In all other respects, the judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

November 4, 2003, continued

- C043231 THE PEOPLE v. SPRINGS (Not for Publication)**
The judgment is affirmed. The court is directed to issue an amended sentencing minute order and abstract of judgment to reflect the imposition of the Penal Code section 290.3, subdivision (a) fines and applicable penalty assessments.
SIMS, Acting P.J.
We concur: Davis, J.
Raye, J.
- C043236 THE PEOPLE v. MAGLAYA (Certified for Partial Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
Raye, J.
- C041993 ANDRIANARIVO v. ANDRIANARIVO (Not for Publication)**
The judgment is affirmed. Respondent is to recover her costs on appeal. (Cal. Rules of Court, rule 27(a).)
SIMS, Acting P.J.
We concur: Nicholson, J.
Hull, J.

November 5, 2003

- C040743 THE PEOPLE v. PUCKETT (Not for Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We concur: Morrison, J.
Hull, J.
- C044153 THE PEOPLE v. LARSEN (Not for Publication)**
The judgment is modified...The trial court is directed to prepare an amended abstract of judgment to reflect these penalty assessments and to forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.
BLEASE, Acting P.J.
We concur: Raye, J.
Robie, J.

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Kolkey, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

November 6, 2003, continued

- C043785** **In re D.T. et al.; EL DORADO COUNTY DEPARTMENT OF SOCIAL SERVICES v. DARCI S. (Certified for Partial Publication)**
The order terminating parental rights is vacated, and the matter is remanded to the juvenile court with directions to order the social services agency to make proper inquiry and to comply with the notice provisions of the ICWA. If after proper inquiry and notice, the BIA or a tribe determines that the minors are Indian children as defined by the ICWA, the juvenile court is ordered to conduct a new section 366.26 hearing in conformity with all provisions of the ICWA. If, on the other hand, no response is received or the tribes and the BIA determine that the minors are not Indian children, all previous findings and orders shall be reinstated.
In all other respects, the orders are affirmed.
ROBIE, J.
We concur: Scotland, P.J.
Nicholson, J.
- C044056** **In re LAYLA B. et al; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES v. SHELLEY E. (Not for Publication)**
The orders of the juvenile court are affirmed.
ROBIE, J.
We concur: Scotland, P.J.
Nicholson, J.

November 7, 2003

- C040092** **THE PEOPLE v. THAO (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Raye, Acting P.J.
Morrison, J.
- C041801** **THE PEOPLE v. BUCKMASTER (Not for Publication)**
The sentence for second degree burglary is vacated and the matter is remanded to the superior court with directions to resentence defendant on count Two in accordance with this opinion. The court is further ordered to strike \$10 from the fine imposed pursuant to Penal Code section 1202.5 and to prepare an amended abstract of judgment reflecting these changes and to forward a copy of the amended abstract to the Department of Corrections.
HULL, J.
We concur: Davis, Acting P.J.
Nicholson, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

November 7, 2003, continued

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| C041857 | THE PEOPLE v. CODERRE
The judgment is affirmed.
RAYE, Acting P.J.
We concur: Morrison, J.
Hull, J. | (Not for Publication) |
| C042734 | THE PEOPLE v. DIXON
The judgment is affirmed.
SIMS, J.
We concur: Scotland, P.J.
Robie, J. | (Certified for Publication) |
| C042940 | THE PEOPLE v. PINCKNEY
The judgment is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
Hull, J. | (Not for Publication) |
| C043164 | THE PEOPLE v. BOYD
The judgment is affirmed.
NICHOLSON, Acting P.J.
We concur: Morrison, J.
Robie, J. | (Not for Publication) |
| C043695 | THE PEOPLE v. NOREM
The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a certified copy to the Department of Corrections.
ROBIE, J.
We concur: Blease, Acting P.J.
Raye, J. | (Not for Publication) |
| C041913 | DENNIS v. GUTIERREZ
The judgment is affirmed, with costs on appeal to defendant.
DAVIS, J.
We concur: Blease, Acting P.J.
Hull, J. | (Not for Publication) |

**COURT OF APPEAL
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THIRD APPELLATE DISTRICT**

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The Minutes

November 7, 2003, continued

**C042192 CALIFORNIA STATE EMPLOYEES ASSOCIATION v. CALIFORNIA PUBLIC
EMPLOYEES' RETIREMENT SYSTEM BOARD OF ADMINISTRATION
(Certified for Publication)**

The judgment is reversed. We award costs on appeal to PERS.
(*CERTIFIED FOR PUBLICATION*)

NICHOLSON, J.

We concur: Blease, Acting P.J.
Davis, J.

C042819 ZACHARY v. GUTH et al. (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Davis, J.
Hull, J.

**C043217 In re TIMOTHY R. et al.; DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. PATRICK R.**

BY THE COURT:

Respondent's petition for rehearing is denied.

Respondent's request to publish the opinion filed on October 10, 2003, is
denied.

SCOTLAND, P.J.